

REMARKS

Claims 1, 7, 9, 14 and 16 have been amended, and claims 1-19 appear in this application for the Examiner's review and consideration.

Claims 1, 2 and 4-19 were rejected as being anticipated by Martin et al., U.S. patent 6,446,362.

Independent claims 1, 7 and 14 and dependent claims 9 and 16 have been amended to more distinctly claim the invention. In particular, independent claims 1, 7 and 14 now recite that the raised portion of the strap anchor has a height equal to at least seventy-five percent of the combined thickness of the ankle strap and instep pad to provide sufficient space for the instep pad to slide beneath the ankle strap. Dependent claims 9 and 16 have been amended in a similar manner. Such a change is supported, for example, on page 4, lines 7-12 and on page 6, lines 20-27 of the present application. No new matter has been added. Such amendments were not earlier presented because Applicants' attorney believed that the original independent claims recited adequate structure to distinguish them from the cited art. However, it was clear after reading the Examiner's comments in paragraph 5 of the final Action that an amendment would be necessary. Thus, the Applicants respectfully request entry of the amendments into the application at this time.

Martin discloses a boot strap mount structure that is substantially even with the surface of the boot upper. Fig. 3 of Martin is a cross sectional view of the slider mechanism 180, with fragmentary portions of the boot upper 120 and the strap 151 shown in phantom. A slider plate 181 has a thin annular retention panel 182 disposed beneath the upper 120, and includes an elongate portion 184 that forms an elongate channel (see also Fig. 4). A washer plate 190 and a nut plate 200 are disposed within the channel formed by the medial portion 184. Martin teaches that this construction, which includes the retention plate 182 underneath the outer layer of the boot upper 120, is advantageous because the medial portion 184 does not project out significantly from the surface of the upper 120. This results in the first strap proximal end 151A (see Fig. 1) being directly adjacent to the upper 120. Martin touts such a mount structure as being advantageous because the slider plate 181 is less exposed to environmental factors that might otherwise damage or interfere with the operation of the slider mechanics in the mechanism 180 (See col. 5, lines 6-15, and Fig. 1 of Martin).

Conversely, independent claims 1, 7 and 14 now recite a strap anchor having a raised portion with a height that creates space between strap components and the surface of the boot upper. In particular, the raised portion has a height equal to at least seventy-five percent of

the combined thickness of the ankle strap and instep pad. The instep pad can thus easily slide beneath the ankle strap as a ratchet mechanism is used to tighten the straps. The claimed configuration advantageously minimizes friction between the straps and the sports boot upper, while also avoiding the creation of uncomfortable and undesirable pressure points (see application, page 6, lines 20-25). Martin fails to teach or suggest such a configuration or the necessary space to enable the instep pad to slide beneath the ankle strap, and thus the Applicants respectfully assert that claims 1, 7 and 14 are not anticipated. Moreover, in view of the teaching of Martin discussed above, it is respectfully asserted that the present independent claims are patentably distinct from Martin.

In view of the above amendments and remarks, the Applicants respectfully assert that independent claims 1, 7 and 14 are allowable. Since claims 2, 4-6, 8-13 and 15-19 all directly or indirectly depend upon claims 1, 7 or 14, these claims should also be allowable for at least the same reasons. Thus, the applicants respectfully request withdrawal of all of the 35 U.S.C. 102(b) rejections of the claims.

Claim 3 was rejected as being unpatentable over Martin. However, as explained above, independent claim 1 is patentably distinct from Martin. Since claim 3 depends on claim 1, it should be allowable for at least the same reasons. Thus, the applicants respectfully request withdrawal of the 35 U.S.C. 103(b) rejection of claim 3.

In view of the above, the entire application is believed to be in condition for allowance, early notice of which would be appreciated. Should any issues remain, a personal or telephonic interview is respectfully requested to discuss the same in order to expedite the allowance of all the claims in this application.

Respectfully submitted,

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